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SINGLE BENCH

CF 1002

(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P.(S) NO. 4819 /2006

PETITIONER

Jiyalal, aged about 68 years, S/o Fagu Singh, at present R/o Raipura, Tahsil & District-Dindori (M.P.)

P.R. No. 48521/26
Presented by ANPKOS
Dated 11/9/26

Versus

RESPONDENTS

1.South Eastern Coalfiled Limited Through Chief Personal Manager, G.M. Office, Korba District – Korba (CG)

2. Principal, Basic Engineering Training Institute South Eastern Coalfiled, Korba Distt.- Korba (CG)

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS OF MANDAMUS AND CERTIORARY AND FOR OTHER SUITABLE WRITS AND DIRECTIONS :-

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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.4819 OF 2006

Petitioner	:	Jiyalal
	versus	
Respondents	:	South Eastern Coalfiled Limited and another

Present : Mr. Vishnu Koshta, counsel for the petitioner.
Mr. P.S.Koshy, counsel for the respondents.

ORDER
(Passed on 5th of September, 2006)

Learned counsel appearing for the petitioner submits that the petitioner was working as Carpenter in the office of respondent No.2. The petitioner has availed voluntary retirement scheme at his own request and was granted voluntary retirement with effect from 7-3-1993. Admittedly, the pension scheme introduced by respondent No.1 came into force with effect from 1-4-1994. Learned counsel appearing for the petitioner has filed this

petition seeking a direction against the respondents to grant benefit of the pension scheme, which came into force with effect from 1-4-1994.

2. Be that as it may, the facts remain that the petitioner stood retired voluntarily with effect from 7-3-1993 availing voluntary retirement scheme at his own request. The new pension scheme, which was introduced and made applicable from 1-4-1994, cannot be extended to the petitioner and scheme was not applicable with retrospective effect.

3. Accordingly, the petitioner has not made out a case for grant of any indulgence by this Court in exercise of its power under Article 226 of the Constitution of India.

4. The petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

Gopal